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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Israel

1. The Committee considered the combined seventh, eighth and ninth periodic reports of Israel (CERD/C/294/Add.1) at its 1250th and 1251st meetings, held on 4 and 5 March 1998, and adopted, at its 1272nd meeting, held on 19 March 1998, the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the report but regrets that it does not follow the Committee's reporting guidelines.

3. The Committee regrets that the dialogue between its members and representatives of the State party was not always of a constructive nature. It nevertheless welcomes the replies of the delegation to some of the Committee's questions and their expression of willingness to contribute to a dialogue.

4. The Committee concludes that the Convention is far from fully implemented in Israel and the Occupied Palestinian Territory, and that the shortfall contributes very significantly to the dangerous escalation of tension in the region.

5. The Committee notes with regret the stalemate in the peace process in the region.

6. It takes note of the establishment of the Palestinian Authority which has certain responsibilities in parts of the Occupied Palestinian Territory.

B. Positive aspects

7. The measures taken by the State party to prohibit the activities of racist political parties such as Kahana (Kach) are welcomed.

8. The amendment of the Equal Opportunity in Employment Law, prohibiting discrimination in the labour sphere on the grounds of national ethnic origin, country of origin, beliefs, political views, political party, affiliation or age, is welcomed, as is the revision of the National Insurance Law.

9. The Government's efforts to reduce and eventually eradicate the economic and educational gap between the Jewish majority and the Arab minority are commended.

C. The Occupied Palestinian Territory

10. The Committee reiterates its view that the Israeli settlements in the Occupied Palestinian Territory are not only illegal under contemporary international law but are an obstacle to peace and to the enjoyment of human rights by the whole population in the region, without distinction as to national or ethnic origin. Actions that change the demographic composition of the Occupied Palestinian Territory evoke concern as violations of contemporary international humanitarian law.

11. Accordingly, the Committee calls for a halt to the demolition of Arab properties in East Jerusalem and for respect for property rights irrespective of the ethnic origin of the owner.

12. The Committee reiterates its opinion of 1991 that the report of Israel should "encompass the entire population under the jurisdiction of the Government of Israel" (A/46/18, para. 368). Israel is accountable for implementation of the Convention, including the reporting obligation, in all areas over which it exercises effective control.

D. Concerns and recommendations

13. With respect to articles 1 and 6 of the Convention, the Committee requests the State party to supply it with details of court decisions or other authoritative sources which make a distinction between inequality of treatment on the grounds of race, colour, descent or national or ethnic origin and inequality of treatment on other grounds such as those related to public security

14. The Committee recommends that the State party extend its legislation against the promotion of racial hatred by completing its implementation of the requirements of article 4 of the Convention. The Committee has earlier held that when anyone makes threats in public against the security of persons of

another ethnic origin, criminal proceedings must be initiated with due diligence and expedition. The State party should give this priority attention.

15. The Committee concludes that comprehensive legislation and accompanying measures of implementation will need to be introduced for the State party to meet all the requirements of article 5 of the Convention.

16. The Committee expresses its profound concern that detained persons of Arab ethnic origin are disproportionately subjected to inhuman and degrading interrogation under the Landau Commission rules and that the Supreme Court has failed to declare this illegal.

17. The Committee recommends that the State party reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority, and that it does this in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The Committee encourages the State party to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis; the rights of migrant workers, including undocumented workers, is also a matter of concern.

18. The right of many Palestinians to return and possess their homes in Israel is currently denied. The State party should give high priority to remedying this situation. Those who cannot repossess their homes should be entitled to compensation.

19. While noting the special budget for public housing in the Arab sector, the Committee remains concerned about ethnic inequalities, particularly those centring upon what are known as "unrecognized" Arab villages.

20. While recognizing the great diversity of opinion within the Israeli public, and the Government's actions to implement article 7 of the Convention, the Committee expresses concern about the findings of social surveys which report that very many Jewish young people believe that Arab citizens should not be accorded equal rights.

21. The Committee hopes to find in the next periodic report a comprehensive statement of the Government's vision of the future of its Arab, Bedouin and Druse citizens, together with an indication of how its objectives are to be attained and a review of the effectiveness of its measures to combat discrimination. Any statistics should show whether governmental expenditure and service provision are proportionate to the size of the different ethnic groups.

22. In order to be able to evaluate the implementation of article 6 of the Convention, the Committee requests the State party to present information on the number of complaints, judgements and compensation awards arising from racist acts, regardless of their nature. At the same time, the Committee would like to be informed about any other information, from whatever reliable source, about any inequalities suggestive of discrimination in the administration of criminal justice.

23. Since time did not permit a full exchange of views on many of the issues raised by members at the fifty-second session, the Committee requests the State party to reflect further on the remaining issues and to furnish additional information on these matters in the next report.

24. The tenth periodic report of Israel was due on 2 February 1998. In accordance with article 9 of the Convention the Committee will expect the submission of a combined tenth and eleventh periodic report by 2 February 2000. The document should constitute a comprehensive report, follow the reporting guidelines, and take account of the Committee's general recommendations.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the Fourteenth Meeting of States Parties.

26. It is also noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making the declaration be considered.